

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TENTH DAY

(Continued)

(Thursday, February 7, 2019)

AFTER RECESS

The Senate met at 2:00 p.m. and was called to order by Senator Hancock.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

SB 10 by Nelson, Alvarado, Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Fallon, Flores, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nichols, Paxton, Perry, Powell, Rodríguez, Schwertner, Seliger, Taylor, Watson, West, Whitmire, Zaffirini
Relating to the creation of the Texas Mental Health Care Consortium.
To Committee on Health and Human Services.

SB 14 by Nichols

Relating to use of an electric cooperative's easements or property for broadband service.

To Committee on Business and Commerce.

SB 231 by Menéndez

Relating to requiring a voter to present proof of identification.

To Committee on State Affairs.

SB 232 by Menéndez

Relating to parental notification by a school district regarding high school graduation requirements.

To Committee on Education.

SB 233 by Menéndez

Relating to the issuance of private activity bonds for qualified residential rental projects.

To Committee on Intergovernmental Relations.

SB 234 by Nelson

Relating to the right to vacate and avoid residential lease liability following the occurrence of family violence.

To Committee on State Affairs.

SB 235 by Nelson

Relating to the authority of certain municipalities to propose a fire control, prevention, and emergency medical services district.

To Committee on Intergovernmental Relations.

SB 236 by Nelson

Relating to the use of certain state property for community food gardens.

To Committee on Business and Commerce.

SB 237 by Nelson

Relating to the criteria for review by the Sunset Advisory Commission of an agency that licenses an occupation.

To Committee on Business and Commerce.

SB 238 by Nelson

Relating to registration and safety requirements for flotation tank facilities; authorizing a fee.

To Committee on Business and Commerce.

SB 239 by Nelson

Relating to the requirements for meetings of certain special districts.

To Committee on Business and Commerce.

SB 240 by Nelson

Relating to the issuance of F-35 fighter jet specialty license plates.

To Committee on Transportation.

SB 241 by Nelson

Relating to certain required reports received or prepared by state agencies and other governmental entities.

To Committee on Business and Commerce.

SB 242 by Zaffirini

Relating to the removal of an obsolete reference regarding open-enrollment charter schools and the State Board of Education.

To Committee on Education.

SB 243 by Creighton

Relating to the carrying or storage of a handgun by a school marshal.

To Committee on Education.

SB 244 by Creighton

Relating to the number of school marshals that may be appointed to serve on a public school campus or at a private school.

To Committee on Education.

SB 245 by Hinojosa

Relating to the authority of the office of capital and forensic writs to refuse to accept certain referrals for good cause.

To Committee on Criminal Justice.

SB 246 by Hinojosa

Relating to the composition and duties of the capital and forensic writs committee.
To Committee on Criminal Justice.

SB 247 by Hinojosa

Relating to criminal asset forfeiture proceedings.
To Committee on Criminal Justice.

SB 248 by Seliger

Relating to investment training requirements for school district and municipal financial officers.
To Committee on Intergovernmental Relations.

SB 249 by Kolkhorst

Relating to the automatic admission to general academic teaching institutions and eligibility for certain scholarships of a student who is the valedictorian of the student's high school graduating class.
To Committee on Higher Education.

SB 250 by Zaffirini

Relating to civil liability for removing certain animals from a motor vehicle.
To Committee on State Affairs.

SB 251 by Bettencourt

Relating to courses offered jointly by public junior colleges and independent school districts.
To Committee on Education.

SB 252 by Fallon

Relating to a cost-of-living adjustment applicable to certain benefits paid by the Teacher Retirement System of Texas.
To Committee on State Affairs.

SB 253 by Rodríguez

Relating to expedited proceedings in cases involving dangerously damaged or deteriorated or substandard buildings or improvements in a municipality.
To Committee on Intergovernmental Relations.

SB 254 by Rodríguez

Relating to court appointment of a receiver for a property that is in violation of certain municipal ordinances.
To Committee on Intergovernmental Relations.

SB 255 by Rodríguez

Relating to minimum education requirements for child protective services caseworkers.
To Committee on Health and Human Services.

SB 256 by Rodríguez

Relating to a requirement that public institutions of higher education provide certain information regarding certain women's health programs to students.
To Committee on Higher Education.

SB 257 by Rodríguez

Relating to the authority to establish a customer assistance program for certain municipally owned utilities.

To Committee on Business and Commerce.

SB 258 by Rodríguez

Relating to anatomical gifts.

To Committee on State Affairs.

SB 259 by Rodríguez

Relating to the disposition and removal of a decedent's remains.

To Committee on State Affairs.

SB 260 by Rodríguez

Relating to access to a residence or former residence to retrieve personal property by persons who are parties to certain suits and decrees.

To Committee on Criminal Justice.

SB 261 by Rodríguez

Relating to written agreements incident to divorce or annulment.

To Committee on State Affairs.

SB 262 by Rodríguez

Relating to court-ordered support for a child with a disability.

To Committee on Health and Human Services.

SB 263 by Rodríguez

Relating to the protection of certain information from disclosure in suits affecting the parent-child relationship and to service of process in those suits on a party whose information is protected from disclosure.

To Committee on State Affairs.

SB 264 by Rodríguez

Relating to the issuance of a protective order by default.

To Committee on State Affairs.

SB 265 by Rodríguez

Relating to temporary orders during the pendency of an appeal in a suit affecting the parent-child relationship.

To Committee on State Affairs.

SB 266 by Rodríguez

Relating to notice regarding summer weekend possession of a child under a standard possession order in a suit affecting the parent-child relationship.

To Committee on State Affairs.

SB 267 by Rodríguez

Relating to certain rights of the sole managing conservator of a child in relation to the child's passport.

To Committee on State Affairs.

SB 268 by Rodríguez

Relating to the prescriptive authority of certain psychologists; authorizing a fee.
To Committee on Health and Human Services.

SB 269 by Zaffirini

Relating to the prosecution of the offense of fraudulent use or possession of identifying information.
To Committee on Business and Commerce.

SB 270 by Rodríguez

Relating to the practice of certain advanced practice registered nurses who are military veterans; authorizing a fee.
To Committee on Health and Human Services.

SB 271 by Watson

Relating to authority for certain state employees to work flexible hours and to work from home or other authorized alternative work sites.
To Committee on Business and Commerce.

SB 272 by Watson

Relating to certain disclosures of electronic toll collection customer account information by a toll project entity.
To Committee on Transportation.

SB 273 by Watson

Relating to the operation and movement of motorcycles on certain highways during periods of traffic congestion.
To Committee on Transportation.

SB 274 by Watson

Relating to the driver responsibility program; reducing the amounts of surcharges.
To Committee on Transportation.

SB 275 by Menéndez

Relating to the appointment of the chief executive officer of a public institution of higher education or university system.
To Committee on Higher Education.

SB 276 by Menéndez

Relating to the registration of voters at a polling place and related procedures.
To Committee on State Affairs.

SB 277 by Menéndez

Relating to the use of direct recording electronic voting machines.
To Committee on State Affairs.

SB 278 by Menéndez

Relating to prohibiting making, or encouraging or inducing another to make, silent or abusive calls to a 9-1-1 service or public safety answering point; creating a criminal offense.
To Committee on Criminal Justice.

SB 279 by Zaffirini

Relating to completion and submission of a financial aid application for costs of higher education as a condition of high school graduation for public school students.

To Committee on Education.

SB 280 by Bettencourt

Relating to powers and duties of the board of trustees of an independent school district.

To Committee on Education.

SB 281 by Zaffirini

Relating to the use of respectful terminology in provisions of Texas statutes relating to the deaf community.

To Committee on Administration.

SB 282 by Buckingham

Relating to the allocation of money associated with delays of transportation projects.

To Committee on Transportation.

SB 283 by Buckingham

Relating to the applicability of the law governing the provision of state aid to certain local governments disproportionately affected by the granting of ad valorem tax relief to disabled veterans.

To Committee on Finance.

SB 284 by Hinojosa

Relating to disciplinary proceedings applicable to a licensed forensic analyst.

To Committee on Criminal Justice.

SB 285 by Miles

Relating to information and outreach regarding hurricane preparedness and mitigation.

To Committee on Intergovernmental Relations.

SB 286 by Miles

Relating to the power of certain counties to enact park use rules.

To Committee on Intergovernmental Relations.

SB 287 by Miles

Relating to the availability of free prekindergarten programs in public schools.

To Committee on Education.

SB 288 by Miles

Relating to the authority of a county assistance district to impose a sales and use tax.

To Committee on Finance.

SB 289 by Lucio

Relating to natural disaster housing recovery.

To Committee on Intergovernmental Relations.

SB 290 by Lucio

Relating to mosquito control districts established for an urgent public health purpose.

To Committee on Health and Human Services.

SB 291 by Lucio

Relating to the establishment of a human trafficking unit within the Department of Public Safety of the State of Texas.

To Committee on Criminal Justice.

SB 292 by Lucio

Relating to expansion of a pilot program under the foundation school program for funding prekindergarten programs provided by certain school districts with early high school graduation programs.

To Committee on Education.

SB 293 by Lucio

Relating to improving training and staff development for primary and secondary educators to enable them to more effectively serve all students.

To Committee on Education.

SB 294 by Lucio

Relating to abolishing the death penalty.

To Committee on Criminal Justice.

SB 295 by Lucio

Relating to the unlawful restraint of a dog; creating a criminal offense.

To Committee on Intergovernmental Relations.

SB 296 by Buckingham

Relating to the abolition of student loan default or breach of a student loan repayment or scholarship contract as a ground for nonrenewal or other disciplinary action in relation to a professional or occupational license and to certain duties of state agencies and political subdivisions in relation to delinquent or defaulted student loans.

To Committee on Business and Commerce.

SB 297 by Zaffirini

Relating to the disposition of fines for traffic violations collected by certain municipalities.

To Committee on Transportation.

SB 298 by Miles

Relating to the dissemination of information about historically underutilized businesses and the expansion of the small business development center network.

To Committee on Business and Commerce.

SB 299 by Miles

Relating to a notification requirement if a public school, including an open-enrollment charter school, does not have a nurse, school counselor, or librarian assigned to the school during all instructional hours.

To Committee on Education.

SB 300 by Miles

Relating to indefinite quantity contracts for the provision of certain services to declared disaster areas following a natural disaster.

To Committee on Intergovernmental Relations.

SB 301 by Miles

Relating to limits on the size of prekindergarten classes in public schools.
To Committee on Education.

SB 302 by Miles

Relating to a sales tax exemption for certain items sold during a limited period.
To Committee on Finance.

SB 303 by Miles

Relating to providing free access to telephone services for persons confined in county jail pending trial.
To Committee on Criminal Justice.

SB 304 by Miles

Relating to reporting and disseminating information regarding public school disciplinary actions.
To Committee on Education.

SB 305 by Watson

Relating to a defense to prosecution for certain offenses involving possession of small amounts of controlled substances and other prohibited drugs, substances, or paraphernalia for defendants seeking assistance for a suspected overdose.
To Committee on Criminal Justice.

SB 306 by Watson

Relating to the release by a peace officer of certain individuals suspected of the offense of public intoxication.
To Committee on Criminal Justice.

SB 307 by Watson

Relating to the Medicaid eligibility of certain women for behavioral health services after a pregnancy.
To Committee on Health and Human Services.

SB 308 by Watson

Relating to the Medicaid eligibility of certain women after a pregnancy.
To Committee on Health and Human Services.

SB 309 by Rodríguez

Relating to the fiduciary status of a directed trust advisor.
To Committee on Business and Commerce.

SB 310 by Rodríguez

Relating to the authority granted under and form of a medical power of attorney.
To Committee on State Affairs.

SB 311 by Perry

Relating to the frequency and location of certain meetings required by a prescriptive authority agreement.
To Committee on Health and Human Services.

SB 312 by Buckingham

Relating to the sale of ale and beer by certain brewers and manufacturers to ultimate consumers for consumption off the brewers' or manufacturers' premises.

To Committee on Business and Commerce.

SB 313 by Buckingham

Relating to the amount of wine certain wineries may sell directly to consumers.

To Committee on Business and Commerce.

SB 314 by Zaffirini

Relating to the requirement and study of insurance coverage for serious emotional disturbance of a child.

To Committee on Business and Commerce.

SB 315 by Hughes

Relating to the prosecution of organized criminal activity involving the interception, use, or disclosure of certain communications.

To Committee on Criminal Justice.

SB 316 by Hughes

Relating to the attorney general's duty to defend public school teachers.

To Committee on Education.

SB 317 by Hughes

Relating to the taking of feral hogs without a hunting license.

To Committee on Water and Rural Affairs.

SB 318 by Perry, Flores

Relating to credits to certain accounts of the Parks and Wildlife Department resulting from the allocation of the proceeds from taxes imposed on the sale, storage, or use of sporting goods.

To Committee on Finance.

SB 319 by Perry

Relating to the authority of the Lubbock County Hospital District of Lubbock County, Texas, to employ and commission peace officers.

To Committee on Intergovernmental Relations.

SB 320 by Flores

Relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

To Committee on Natural Resources and Economic Development.

SB 321 by Menéndez

Relating to the temperature at which a facility operated by the Texas Department of Criminal Justice is maintained.

To Committee on Criminal Justice.

SB 322 by Huffman

Relating to the evaluation and reporting of investment practices and performance of certain public retirement systems.

To Committee on State Affairs.

SB 323 by Huffman

Relating to the review of ballot proposition language for certain political subdivision elections.

To Committee on State Affairs.

SB 324 by Huffman

Relating to the disposition of a firearm seized from certain persons with mental illness.

To Committee on State Affairs.

SB 325 by Huffman

Relating to establishing a protective order registry and the duties of courts in regard to the registry.

To Committee on State Affairs.

SB 326 by Alvarado

Relating to the salary paid to certain professional employees of public schools.

To Committee on Education.

SB 327 by Alvarado

Relating to the expansion of eligibility for Medicaid in certain counties under the federal Patient Protection and Affordable Care Act.

To Committee on Health and Human Services.

SB 328 by Seliger

Relating to the information required to be included in or with a school district ad valorem tax bill.

To Committee on Property Tax.

SB 329 by Seliger

Relating to requirements for and the transparency of epidemiological reports and certain immunization exemption information and reports.

To Committee on Health and Human Services.

SB 330 by Zaffirini

Relating to the award of a grant under the Texas Educational Opportunity Grant Program to certain students enrolled in a baccalaureate degree program.

To Committee on Higher Education.

SB 331 by West

Relating to measures to assist students enrolled at public institutions of higher education who are homeless or who were formerly in foster care.

To Committee on Higher Education.

SB 332 by West

Relating to preventing racial profiling and to video and audio equipment and recordings of certain law enforcement motor vehicle stops; creating an offense.

To Committee on Criminal Justice.

SB 333 by West

Relating to the appointment of an attorney ad litem for a child in the conservatorship of the Department of Family and Protective Services.

To Committee on Health and Human Services.

SB 334 by West

Relating to law enforcement agency policies regarding the placement of a child taken into possession by a peace officer during the arrest of a person.

To Committee on Criminal Justice.

SB 335 by West

Relating to community land trusts.

To Committee on Intergovernmental Relations.

SB 336 by West

Relating to credit toward payment of a fine and costs for certain misdemeanants confined in jail or prison before sentencing.

To Committee on Criminal Justice.

SB 337 by West

Relating to the authority of a political subdivision to regulate construction and renovation of structures owned by certain counties.

To Committee on Intergovernmental Relations.

SB 339 by Huffman

Relating to a seller's disclosure notice for residential property regarding floodplains, flood pools, or reservoirs.

To Committee on Business and Commerce.

SB 340 by Huffman

Relating to the creation of a grant program to assist law enforcement agencies with the purchase of opioid antagonists.

To Committee on Criminal Justice.

SB 341 by Huffman

Relating to the appointment of an attorney pro tem for certain criminal proceedings.

To Committee on State Affairs.

SB 342 by Huffman

Relating to civil and criminal liability for the unlawful disclosure of intimate visual material.

To Committee on Criminal Justice.

SB 343 by Watson

Relating to the information required to be included in or with a school district ad valorem tax bill.

To Committee on Property Tax.

SB 344 by Watson

Relating to the participation of campus-based mental health professionals in certain health benefit plans.

To Committee on Business and Commerce.

SB 345 by Creighton

Relating to the use of land in the William Goodrich Jones State Forest.
To Committee on Higher Education.

SB 346 by Zaffirini

Relating to the consolidation and allocation of state criminal court costs; increasing the amounts of certain court costs and reducing the amounts of certain other court costs.
To Committee on State Affairs.

SB 347 by Flores

Relating to eligibility for service on the board of directors of an appraisal district.
To Committee on Property Tax.

SB 348 by Seliger

Relating to the use of certain weapons in or on the beds or banks of certain rivers and streams in particular counties.
To Committee on Water and Rural Affairs.

SB 349 by Seliger

Relating to the regulation of the sale of dextromethorphan to minors; providing civil penalties.
To Committee on Health and Human Services.

SB 350 by Powell

Relating to the expiration of the Property Redevelopment and Tax Abatement Act.
To Committee on Natural Resources and Economic Development.

SB 351 by Powell

Relating to indicators of achievement under the public school accountability system.
To Committee on Education.

SB 352 by Powell

Relating to the use of the skills development fund by certain entities.
To Committee on Natural Resources and Economic Development.

SB 353 by Hinojosa

Relating to the assistant prosecutor supplement fund.
To Committee on Finance.

SB 354 by Lucio

Relating to authority of certain officers of certain counties to disburse or direct payment of county funds for salaries or expenses.
To Committee on Intergovernmental Relations.

SB 355 by West

Relating to developing a strategic plan to ensure the provision of prevention and early intervention services complies with federal law.
To Committee on Health and Human Services.

SB 356 by Nichols

Relating to the enforcement of commercial motor vehicle safety standards in certain municipalities.

To Committee on Transportation.

SB 357 by Nichols

Relating to the height of outdoor advertising signs regulated by the Texas Department of Transportation.

To Committee on Transportation.

SB 358 by Hinojosa

Relating to the Nursing Faculty Loan Repayment Assistance Program.

To Committee on Higher Education.

SB 359 by Miles

Relating to straight-party voting.

To Committee on State Affairs.

SB 360 by Rodríguez

Relating to a study on migrant labor housing facilities.

To Committee on Agriculture.

SB 361 by Huffman

Relating to certain contracts for the transfer of a pet.

To Committee on Business and Commerce.

SB 362 by Huffman

Relating to court-ordered mental health services.

To Committee on State Affairs.

SB 363 by Watson

Relating to access to certain controlled substance prescription information.

To Committee on Health and Human Services.

SB 364 by Watson

Relating to policies on the recess period in public schools.

To Committee on Education.

SB 365 by Watson

Relating to bonds issued by certain metropolitan rapid transit authorities.

To Committee on Transportation.

SB 366 by Watson

Relating to the content of detailed reports filed by lobbyists and to monetary limits on expenditures by lobbyists.

To Committee on State Affairs.

SB 367 by Watson

Relating to the prohibition on lobbying by certain elected officers.

To Committee on State Affairs.

SB 368 by Watson

Relating to lobbying by former members of the legislature; creating a criminal offense.

To Committee on State Affairs.

SB 369 by Watson

Relating to the availability on the Internet of certain registrations and reports filed by lobbyists.

To Committee on State Affairs.

SB 370 by Watson

Relating to employment protections for jury service.

To Committee on State Affairs.

SB 371 by Campbell

Relating to increasing the criminal penalty for certain assaults committed against employees of primary and secondary schools.

To Committee on Criminal Justice.

SB 372 by Campbell

Relating to the authority of an open-enrollment charter school to employ security personnel, commission peace officers, and have school resource officers.

To Committee on Education.

SB 373 by Hall

Relating to Internet access to meetings of the board of directors of a regional mobility authority.

To Committee on Business and Commerce.

SB 374 by Hall

Relating to the cessation of tolls by toll project entities in certain circumstances.

To Committee on Transportation.

SB 375 by Hall

Relating to the eligibility of certain applicants for state bar examination.

To Committee on State Affairs.

SCR 1 by Creighton

Claiming sovereignty under the Tenth Amendment to the U.S. Constitution over all powers not otherwise enumerated and granted to the federal government by the U.S. Constitution, serving notice to the federal government to halt and reverse certain mandates, and providing that certain federal legislation be prohibited or repealed.

To Committee on State Affairs.

SCR 5 by Huffman

Urging Congress to repeal the Government Pension Offset and the Windfall Elimination Provision of the Social Security Act.

To Committee on State Affairs.

SCR 7 by Seliger

Designating the second Saturday of September as Quanah Parker Day for a 10-year period beginning in 2019.

To Committee on Administration.

SJR 2 by Hall

Proposing a constitutional amendment requiring legislative approval of the historical narrative for certain exhibits featured at the Alamo or a museum owned or operated by the state.

To Committee on Natural Resources and Economic Development.

SJR 3 by Hall

Proposing a constitutional amendment guaranteeing the right to life of unborn children and prohibiting abortion to the extent authorized under federal constitutional law.

To Committee on Health and Human Services.

SJR 4 by Menéndez

Proposing a constitutional amendment to increase the minimum amount that the state may contribute to the Employees Retirement System of Texas and the Teacher Retirement System of Texas.

To Committee on State Affairs.

SJR 6 by Rodríguez

Proposing a constitutional amendment establishing the Sexual Harassment Oversight Commission.

To Committee on State Affairs.

SJR 7 by Rodríguez

Proposing a constitutional amendment to authorize and regulate the possession, cultivation, and sale of cannabis for medical use.

To Committee on Health and Human Services.

SJR 8 by Rodríguez

Proposing a constitutional amendment to authorize and regulate the possession, cultivation, and sale of cannabis.

To Committee on Criminal Justice.

SJR 9 by Rodríguez, Hinojosa, Whitmire

Proposing a constitutional amendment to repeal the constitutional provision providing that marriage in this state consists only of the union of one man and one woman and prohibiting this state or a political subdivision of this state from creating or recognizing any legal status identical or similar to marriage.

To Committee on State Affairs.

SJR 10 by Buckingham, Perry

Proposing a constitutional amendment to restrict the power of the legislature to mandate requirements on a municipality or county.

To Committee on Business and Commerce.

SJR 22 by Menéndez

Proposing a constitutional amendment establishing an increased minimum wage.
To Committee on Natural Resources and Economic Development.

SJR 23 by Fallon

Proposing a constitutional amendment prohibiting the imposition of an individual income tax.

To Committee on Finance.

SJR 24 by Kolkhorst, Buckingham, Campbell, Flores, Hinojosa, Huffman, Hughes, Menéndez, Nichols, Perry, Rodríguez, Zaffirini

Proposing a constitutional amendment relating to the appropriation of the net revenue received from the imposition of state sales and use taxes on sporting goods.

To Committee on Finance.

SJR 25 by Hinojosa

Proposing a constitutional amendment increasing the amount of time a person must have been a practicing lawyer or judge to be eligible to serve as a district court judge.

To Committee on State Affairs.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 136 by Hughes, In memory of Preston Ray Bridges.

SR 140 by Seliger, In memory of the life of Thomas E. Creek.

Congratulatory Resolutions

SR 139 by Watson, Recognizing Harlan N. Jasper on the occasion of his retirement.

SR 141 by Nichols, Recognizing Excelsior School for its role in the history of Shelby County.

SR 143 by Perry, Recognizing the Mason High School Punchers football team for winning a state championship.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 2:24 p.m. adjourned until 3:00 p.m. Monday, February 11, 2019.

APPENDIX

RESOLUTIONS ENROLLED

February 6, 2019

SR 128, SR 131, SR 133, SR 134, SR 135